

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA
(ERIE)**

IN RE:)	
DENNIS I. HENDERSON, SR.)	CASE NO.: 1:23-bk-10129-JAD
)	CHAPTER 13
DEBTOR)	JUDGE JEFFERY A. DELLER
)	
THE BANK OF NEW YORK)	
MELLON, THE SUCCESSOR TO)	
JPMORGAN CHASE BANK, AS)	
TRUSTEE FOR CIT HOME EQUITY)	
LOAN TRUST 2002-2)	
)	
CREDITOR)	
)	
DENNIS I. HENDERSON, DEBTOR)	
AND RONDA J. WINNECOUR,)	
TRUSTEE)	
)	
RESPONDENTS)	

OBJECTION TO CONFIRMATION OF PLAN

COMES NOW, The Bank of New York Mellon, the successor to JPMorgan Chase Bank, as Trustee for CIT Home Equity Loan Trust 2002-2 (“Secured Creditor”) by and through its undersigned attorneys, and for its Objection to Confirmation of Debtor’s Chapter 13 Plan, herein states and alleges as follows:

1. This Court has exclusive jurisdiction over this proceeding. Debtor filed a Petition under Chapter 7 of the United States Bankruptcy Code on or about March 16, 2023 and converted to a Chapter 13 also on March 16, 2023.

2. Secured creditor holds a lien over Debtor’s property located at **2005 Schaal Avenue, Erie, PA 16510.**

3. As of the petition date, Secured Creditor’s estimated total secured claim is \$27,545.36, and the underlying loan matures on July 11, 2032. Secured Creditor will file its Proof

of Claim by the bar date of May 25, 2023 with the approximate arrears of \$14,964.84, which is well above the arrearage of \$4,672.47 listed on Debtor's Plan.

4. Therefore, the plan fails 11 U.S.C. §1322 (b)(2)-(3), and pursuant to 11 U.S.C. §1325 (a)(5) the plan cannot be confirmed.

WHEREFORE The Bank of New York Mellon, the successor to JPMorgan Chase Bank, as Trustee for CIT Home Equity Loan Trust 2002-2 prays that its Objection to Confirmation of Plan be sustained, and for all further relief as is just and proper.

Respectfully submitted,

/s/ Joshua I. Goldman
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CERTIFICATE OF SERVICE

I hereby certify that on or before April 6, 2023, I caused a true and correct copy of the foregoing to be served either by CM/ECF notice to those so authorized, and first-class mail as indicated to the parties reflected on the attached.

Respectfully submitted,

/s/ Joshua I. Goldman

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SERVICE LIST (CASE NO. 1:23-bk-10129-JAD)

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